

91st Legislative Session – 2016

Committee: Senate Judiciary

Tuesday, February 16, 2016

P - Present
E - Excused
A - Absent

Roll Call

P Bradford
P Heinert
P Monroe
P Rusch
P Vehle
P Novstrup (David), Vice-Chair
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Novstrup, Vice Chair.

MOTION: TO APPROVE THE MINUTES OF THURSDAY, FEBRUARY 11TH.

Moved by: Rusch
Second by: Monroe
Action: Prevailed by voice vote.

SB 140: eliminate life sentences without parole for defendants under the age of eighteen at the time of the crime.

See previous minutes of Thursday, February 11 for further testimony.

Proponents: Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys
Elizabeth Skarin, American Civil Liberties Union
Opponents: Charles Mcguigan, Office of Attorney General
Paul Bachand, States Attorney Association

MOTION: AMEND SB 140

140ya

On page 3, line 2, of the printed bill, delete "without parole".

Moved by: Vehle
Second by: Monroe
Action: Prevailed by voice vote.

MOTION: DO PASS SB 140 AS AMENDED

Moved by: Heinert
Second by: Bradford
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Bradford, Heinert, Rusch, Vehle, Novstrup (David), Tieszen

Voting No: Monroe

MOTION: AMEND TITLE OF SB 140

140yta

On page 1, line 1, of the printed bill, delete "without parole".

Moved by: Heinert
Second by: Bradford
Action: Prevailed by voice vote.

SB 96: increase the pay for members of the Board of Pardons and Paroles.

Presented by: Senator Tieszen
Opponents: Brittini Skipper, Bureau of Finance & Management

MOTION: REFER SB 96 TO JOINT COMMITTEE ON APPROPRIATIONS DO PASS
RECOMMENDATION

Moved by: Rusch
Second by: Monroe
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Heinert, Monroe, Rusch, Novstrup (David), Tieszen

Excused: Vehle

SB 97: provide for the automatic removal of all Class 2 misdemeanor convictions from background check records after ten years under certain conditions.

Presented by: Senator Tieszen

Proponents: Greg Sattizahn, Unified Judicial System
Lindsey Riter-Rapp, SD Association of Criminal Defense Attorneys
Laurie Feiler, Department of Corrections
Dale Bartscher, Family Heritage Alliance

MOTION: AMEND SB 97

97yb

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 23A-3 be amended by adding a NEW SECTION to read:

Any charge or conviction resulting from a case where a petty offense, municipal ordinance violation or a Class 2 misdemeanor was the highest charged offense shall be automatically removed from a defendant's public record after ten years if all court-ordered conditions on the case have been satisfied. However, the case record will remain available to court personnel or as authorized by order of the court."

Moved by: Rusch
Second by: Bradford
Action: Prevailed by voice vote.

MOTION: DO PASS SB 97 AS AMENDED

Moved by: Bradford
Second by: Rusch
Action: Prevailed by voice vote.

MOTION: AMEND TITLE OF SB 97

97ytb

On page 1, line 1, of the printed bill, after "all" insert "petty offenses, municipal ordinance violations, and".

Moved by: Heinert
Second by: Bradford
Action: Prevailed by voice vote.

SJR 3: Proposing and submitting to the electors at the next general election amendments to Article III of the Constitution of the State of South Dakota, revising the procedure for filling a vacancy in either house of the Legislature.

Presented by: Senator Hunhoff (Bernie)
Proponents: Senator Sutton

MOTION: DO PASS SJR 3

Moved by: Heinert
Second by: Bradford
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SJR 3 TO THE 41ST LEGISLATIVE DAY

Moved by: Tieszen
Second by: Monroe
Action: Prevailed by roll call vote. (5-2-0-0)

Voting Yes: Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Voting No: Bradford, Heinert

MOTION: RECESS UNTIL NOON.

Moved by: Rusch
Second by: Monroe
Action: Prevailed by voice vote.

SB 142: authorize certain disclosures of mental health information to law enforcement.

Presented by: Senator Sohlt
Proponents: Steve Lindquist, Avera Health
Dave Braun, National Alliance of Mental Illness (Handouts: #1)

Scott Duke, SD Association of Healthcare Organizations
Terrance Dosch, SD Council of Mental Health Centers
Staci Ackerman, South Dakota Sheriffs Association
Laurie Martinec, SD Police Chiefs Association

MOTION: DO PASS SB 142

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Excused: Heinert

MOTION: PLACE SB 142 ON CONSENT CALENDAR

Moved by: Monroe
Second by: Tieszen
Action: Prevailed by voice vote.

HB 1183: revise certain provisions regarding the jurisdiction of magistrate courts to issue protection orders.

Presented by: Senator Rusch
Proponents: Matt Konenkamp, Governor's Office
Suzanne Starr, Unified Judicial System

MOTION: AMEND HB 1183

1183oa

On page 1, line 10, of the House Judiciary Committee engrossed bill, before "Any" insert "However, a magistrate court with a magistrate judge presiding may not make any child custody decisions.".

Moved by: Tieszen
Second by: Monroe
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1183 AS AMENDED

Moved by: Monroe
Second by: Vehle
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Excused: Heinert

MOTION: PLACE HB 1183 ON CONSENT CALENDAR

Moved by: Tieszen
Second by: Vehle
Action: Prevailed by voice vote.

HB 1105: give the court discretion to grant a continuance of a protection order in certain situations.

Presented by: Senator Rusch

MOTION: DO PASS HB 1105

Moved by: Vehle
Second by: Bradford
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Bradford, Monroe, Rusch, Vehle, Novstrup (David), Tieszen

Excused: Heinert

MOTION: PLACE HB 1105 ON CONSENT CALENDAR

Moved by: Monroe
Second by: Tieszen
Action: Prevailed by voice vote.

MOTION: ADJOURN

Moved by: Tieszen
Second by: Monroe
Action: Prevailed by voice vote.

Marilyn Seymour
Committee Secretary

Craig Tieszen, Chair